

By Representative Frankel

1                                   A bill to be entitled  
 2           An act relating to the City of West Palm Beach,  
 3           Palm Beach County; revising language with  
 4           respect to the West Palm Beach Firefighters  
 5           Pension Fund; revising the provisions regarding  
 6           optional forms of retirement income; revising  
 7           the beneficiary provisions; revising the  
 8           deferred retirement option plan provisions;  
 9           revising the disability provisions; adding a  
 10          new section regarding penalties for false or  
 11          misleading statements to obtain benefits;  
 12          providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Subparagraph 1.a. of paragraph (g) and  
 17           paragraphs (h) and (i) of subsection (5) of section 17 of  
 18           chapter 24981, Laws of Florida, 1947, as amended, are amended  
 19           to read:

20           Section 17. West Palm Beach Firefighters Pension  
 21           Fund.--

22           (5) Service pension.--

23           (g) Optional forms of retirement income.--

24           1.a. In the event of normal, or early, or disability  
 25           retirement, in lieu of the normal form of retirement income  
 26           payable as specified in paragraph (a), paragraph (b), ~~or~~  
 27           paragraph (c), or subsection (6), and in lieu of the  
 28           beneficiary benefits as specified in subsection (7), a member,  
 29           upon written request to the board ~~and submission of evidence~~  
 30           ~~of good health (except that such evidence will not be required~~  
 31           ~~if such request is made at least 3 years prior to the date of~~

1 ~~commencement of retirement income~~), and subject to the  
2 approval of the board, may elect to receive a retirement  
3 income of equivalent actuarial value payable in accordance  
4 with one of the following options:

5 (I) Lifetime option.--A retirement income of a larger  
6 monthly amount, payable to the member for his or her lifetime  
7 only.

8 (II) Joint and survivor option.--A retirement income  
9 of a modified monthly amount, payable to the member during the  
10 joint lifetime of the member and a dependent joint pensioner  
11 designated by the member, and following the death of either of  
12 them, 100 percent, 75 percent, 66 2/3 percent, or 50 percent  
13 of such monthly amounts, payable to the survivor for the  
14 lifetime of the survivor.

15 (h) Designation of beneficiary.--

16 1. Each member may, on a form provided for that  
17 purpose, signed and filed with the board, designate a  
18 beneficiary or beneficiaries to receive the benefit, if any,  
19 which may be payable in the event of the member's death; and  
20 each designation may be revoked by such member by signing and  
21 filing with the board a new designation-of-beneficiary form.  
22 However, after the benefits have commenced, a retirant may  
23 change his or her designation of joint annuitant or  
24 beneficiary only twice. If the ~~said~~ retirant desires to change  
25 his or her joint annuitant or beneficiary, the retirant ~~he~~  
26 shall file with the board a notarized notice of such change  
27 either by registered letter or on a form as provided by the  
28 board. Upon receipt of a completed change of joint annuitant  
29 form or such other notice, the board shall adjust the member's  
30 monthly benefit by the application of actuarial tables and  
31 calculations developed to ensure that the benefit paid is the

1 actuarial equivalent of the present value of the member's  
2 current benefit.

3           2. Absence or death of beneficiary.--If a deceased  
4 member fails to name a beneficiary in the manner prescribed in  
5 subparagraph 1., or if the beneficiary or beneficiaries named  
6 by a deceased member predecease the member, the beneficiary  
7 benefits, if any, which may be payable with respect to such  
8 deceased member may be paid, in the discretion of the board,  
9 ~~either~~ to:

10           a. The spouse or dependent child or children of the  
11 member; ~~or~~

12           b. The dependent living parent or parents of the  
13 member; ~~or-~~

14           c. The estate of the member.

15           (i) Refund of contributions.--In the event a member  
16 leaves the employ of the department or dies with less than 10  
17 years of credited service, and no service pension, disability  
18 pension, or beneficiary benefit is payable, the contributions  
19 made by him or her to the fund shall be refunded, without  
20 interest (less any disability payments paid to the member), to  
21 the member, ~~or,~~ in the event of death, to the beneficiary or  
22 to the member's estate.

23           Section 2. Effective for share account distributions  
24 made for calendar year 1998 from chapter moneys received in  
25 July 1999, subparagraph 1. of paragraph (k) of subsection (5)  
26 of section 17 of chapter 24981, Laws of Florida, 1947, as  
27 amended by chapter 99-456, Laws of Florida, is amended to  
28 read:

29           Section 17. West Palm Beach Firefighters Pension  
30 Fund.--

31           (5) Service pension.--

1 (k) Deferred Retirement Option Plan (DROP).--  
2 1. Eligibility to participate in the DROP.--  
3 a. Any member who is eligible to receive an early or  
4 normal retirement pension may participate in the DROP. Members  
5 shall elect to participate by applying to the Board of  
6 Trustees on a form provided for that purpose.  
7 b. Election to participate shall be forfeited if not  
8 exercised within the first 35 years of combined credited  
9 service.  
10 c. A member shall not participate in the DROP beyond  
11 the time of attaining 37 years of service and the total years  
12 of participation in the DROP shall not exceed 5 years. For  
13 example:  
14 (I) Members with 32 years of credited service at the  
15 time of entry shall only participate for 5 years.  
16 (II) Members with 33 years of credited service at the  
17 time of entry shall only participate for 4 years.  
18 (III) Members with 34 years of credited service at the  
19 time of entry shall only participate for 3 years.  
20 (IV) Members with 35 years of credited service at the  
21 time of entry shall only participate for 2 years.  
22 d. Upon a member's election to participate in the  
23 DROP, he or she shall cease to be a member and shall no longer  
24 accrue any benefits under the pension fund, except for the  
25 benefits provided under paragraph (j) of this subsection,  
26 Chapter 175 share accounts. For all fund purposes, the member  
27 becomes a retirant, except that a DROP participant shall  
28 continue to receive shares of the chapter moneys in accordance  
29 with paragraph (j), Chapter 175 share accounts. The amount of  
30 credited service and final average salary shall freeze as of  
31 the date of entry into the DROP.

1           Section 3. Paragraphs (b) and (g) of subsection (6) of  
2 section 17 of chapter 24981, Laws of Florida, 1947, as amended  
3 by chapter 93-374, Laws of Florida, are amended to read:

4           Section 17. West Palm Beach Firefighters Pension  
5 Fund.--

6           (6) Disability pensions, medical examinations, return  
7 to work, etc.--

8           (b) Nonduty disability pension benefits.--Upon  
9 retirement on account of disability as provided in paragraph  
10 (a), a member shall receive a disability pension computed  
11 according to subparagraph (5)(a)1., notwithstanding that he or  
12 she might not have attained age 50 years and might not have 15  
13 or more years of service credit; provided, further, if the  
14 member has at least 10 years of service credit, the disability  
15 pension shall not be less than 25 percent of the member's  
16 average monthly salary at the time of disability. A disability  
17 retiree may select optional forms of benefits in accordance  
18 with paragraph (5)(g).

19           (g) Payment of disability pensions.--Monthly  
20 disability retirement benefits shall be payable as of the date  
21 the board determines that the member was entitled to a  
22 disability pension; however, the first payment shall actually  
23 be paid on the first day of the first month after the board  
24 determines such entitlement. Any portion due for a partial  
25 month shall be paid together with the first payment. If the  
26 member recovers from the disability prior to his or her normal  
27 retirement date, the last payment shall be the payment due  
28 next preceding the date of such recovery, or, if the member  
29 dies without recovering from his or her disability, then the  
30 following shall apply:

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1           1. Married member.--Beneficiary benefits as set forth  
2 in subsection (7) shall be paid if, at the time of death, the  
3 member was married or had a dependent child or children or  
4 parent or parents; or

5           2. Nonmarried member with 10 years of service or  
6 more.--Payments shall be made until his or her death or the  
7 120th monthly payment, whichever is later; or

8           3. Nonmarried ~~Non-married~~ member with less than 10  
9 years of service.--Payments shall be made until the member's  
10 ~~his~~ death.

11  
12 Any monthly retirement income payments due after the death of  
13 a disabled member shall be paid to the member's designated  
14 beneficiary or beneficiaries or the member's estate as  
15 provided in paragraph (5)(h) or subsection (7), as applicable.

16           Section 4. Paragraph (h) of subsection (6) of section  
17 17 of chapter 24981, Laws of Florida, 1947, as amended by  
18 chapter 93-374, Laws of Florida, is repealed.

19           Section 5. Subsection (7) of section 17 of chapter  
20 24981, Laws of Florida, 1947, as amended by chapters 93-374  
21 and 96-527, Laws of Florida, is amended to read:

22           Section 17. West Palm Beach Firefighters Pension  
23 Fund.--

24           (7) Beneficiary benefits.--

25           (a) Death while in service; 5 years or more  
26 (nonduty).--In the event a member with 5 or more years of  
27 service credit dies while in the employ of the department, and  
28 the board finds his or her death to have occurred as the  
29 result of causes arising outside the performance of his or her  
30 duties as a firefighter in the employ of the city, the  
31 following applicable pensions shall be paid:

1           1. Surviving spouse's benefits.--The surviving spouse  
2 shall receive a pension equal to two-thirds of the pension the  
3 member would otherwise have been entitled to receive under  
4 paragraph (5)(a), as if the member had retired the day  
5 preceding the date of his or her death, notwithstanding that  
6 the member might not have met the age and service requirements  
7 for retirement as specified in subsection (5). Upon the  
8 surviving spouse's ~~remarriage or~~ death, the pension shall  
9 terminate.

10           2. Benefits for children surviving surviving spouse,  
11 etc.--In the event the ~~a~~ deceased member does not leave a  
12 surviving spouse, or if the surviving spouse shall ~~remarry or~~  
13 die, and the member leaves an unmarried child or children  
14 under age 18, each such child shall receive a pension of an  
15 equal share of the pension to which said member's surviving  
16 spouse was or would have been entitled. Upon any such child's  
17 adoption, marriage, death, or attainment of age 18, the  
18 child's ~~his~~ pension shall terminate and said child's pension  
19 shall be apportioned to the ~~said~~ deceased member's remaining  
20 eligible children under age 18.

21           3. Benefits for dependent parents.--In the event a  
22 member dies and does not leave a surviving spouse or children  
23 eligible to receive a pension provided for in subparagraphs 1.  
24 and 2., and the member leaves a parent or parents whom the  
25 board finds to have been dependent upon the member for 50  
26 percent or more of their financial support, each such parent  
27 shall receive a pension of an equal share of the pension to  
28 which the member's surviving spouse would have been entitled  
29 ~~if the member left a surviving spouse~~. Upon any such parent's  
30 remarriage or death, the parent's ~~his~~ pension shall terminate.

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1           4. Estate.--In the event a member dies and does not  
2 leave a surviving spouse, children, or parents eligible to  
3 receive a pension provided for in subparagraph 1.,  
4 subparagraph 2., or subparagraph 3., then the benefits  
5 remaining, if any, shall be paid to the member's estate.

6           (b) Death in the line of duty.--In the event a member  
7 dies while in the employ of the department, and the board  
8 finds his or her death to be the natural and proximate result  
9 of causes arising out of and in the ~~course of his or her~~  
10 actual performance of duty as a firefighter in the employ of  
11 the city, the following applicable pensions shall be paid:

12           1. Surviving spouse's benefits.--The surviving spouse  
13 shall receive a monthly pension equal to three-fourths of the  
14 duty disability pension the member would otherwise have been  
15 entitled to receive at the time of his or her death. Upon the  
16 surviving spouse's death, the pension shall terminate.

17           2. Benefits for children surviving surviving spouse,  
18 etc.--In the event the ~~a~~ deceased member does not leave a  
19 surviving spouse, or if the surviving spouse shall die ~~dies~~,  
20 and the member leaves an unmarried child or children under age  
21 18, each such child shall receive a pension of an equal share  
22 of the pension to which the member's surviving spouse was or  
23 would have been entitled. Upon any such child's adoption,  
24 marriage, death, or attainment of age 18, the child's ~~his or~~  
25 ~~her~~ pension shall terminate and said child's pension shall be  
26 apportioned to the deceased member's remaining eligible  
27 children under age 18.

28           3. Benefits for dependent parents.--In the event a  
29 member dies and does not leave a surviving spouse or children  
30 eligible to receive a pension provided for in subparagraphs 1.  
31 and 2., and the member leaves a parent or parents whom the



1 board finds to have been dependent upon the member for 50  
2 percent or more of their financial support, each such parent  
3 shall receive a pension of an equal share of the pension to  
4 which said member's surviving spouse would have been entitled  
5 ~~if the member left a surviving spouse~~. Upon any such parent's  
6 remarriage or death, the parent's ~~his or her~~ pension shall  
7 terminate.

8 4. Estate.--In the event a member dies and does not  
9 leave a surviving spouse, children or parents eligible to  
10 receive a pension provided for in subparagraph 1.,  
11 subparagraph 2., or subparagraph 3., then the benefits  
12 remaining, if any, shall be paid to the member's estate.

13 (c) Death after retirement.--Upon the death of a  
14 retirant, the following applicable pensions shall be paid:

15 1. Surviving spouse's benefits.--The surviving spouse  
16 shall receive a pension equal to three-fourths of the  
17 retirant's ~~member's~~ pension at the time of his or her death.  
18 Upon the surviving spouse's ~~remarriage or~~ death, the pension  
19 shall terminate.

20 2. Benefits for children, surviving spouse,  
21 etc.--In the event a deceased member does not leave a  
22 surviving spouse, or if the surviving spouse shall ~~remarry or~~  
23 die, and the member leaves an unmarried child or children  
24 under age 18, each such child shall receive a pension of an  
25 equal share of the pension to which the member's surviving  
26 spouse was or would have been entitled. Upon any such child's  
27 adoption, marriage, death, or attainment of age 18, the  
28 child's ~~his~~ pension shall terminate and said child's pension  
29 shall be apportioned to the deceased member's remaining  
30 eligible children under age 18.

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1           3. Benefits for dependent parents.--In the event a  
2 member dies and does not leave a surviving spouse or children  
3 eligible to receive a pension provided for in subparagraphs 1.  
4 and 2., and the member leaves a parent or parents whom the  
5 board finds to have been dependent upon the member for 50  
6 percent or more of their financial support, each such parent  
7 shall receive a pension of an equal share of the pension to  
8 which the member's surviving spouse would have been entitled  
9 ~~if the member left a surviving spouse.~~ Upon any such parent's  
10 remarriage or death, the parent's ~~his or her~~ pension shall  
11 terminate.

12           4. Estate.--In the event a member dies and does not  
13 leave a surviving spouse, children, or parents eligible to  
14 receive a pension provided for in subparagraph 1.,  
15 subparagraph 2., or subparagraph 3., then the benefits  
16 remaining, if any, shall be paid to the member's estate.

17           Section 6. Paragraph (d) is added to subsection (20)  
18 of section 17 of chapter 24981, Laws of Florida, 1947, as  
19 amended by chapter 93-374, Laws of Florida, to read:

20           Section 17. West Palm Beach Firefighters Pension  
21 Fund.--

22           (20) Miscellaneous requirements.--

23           (d) False or misleading statements made to obtain  
24 retirement benefits prohibited.--

25           1. It is unlawful for a person to willfully and  
26 knowingly make, or cause to be made, or to assist, conspire  
27 with, or urge another to make, or cause to be made, any false,  
28 fraudulent, or misleading oral or written statement or to  
29 withhold or conceal material information to obtain any benefit  
30 under this plan.

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1           2.a. A person who violates subparagraph 1. commits a  
2 misdemeanor of the first degree, punishable as provided in s.  
3 775.082 or s. 775.083, Florida Statutes.

4           b. In addition to any applicable criminal penalty,  
5 upon conviction for a violation of subparagraph 1., a  
6 participant or beneficiary of this plan may, in the discretion  
7 of the Board of Trustees, be required to forfeit the right to  
8 receive any or all benefits to which the person would  
9 otherwise be entitled under this plan. For purposes of this  
10 sub-subparagraph, "conviction" means a determination of guilt  
11 that is the result of a plea or trial, regardless of whether  
12 adjudication is withheld.

13           Section 7. All special laws and parts of special laws,  
14 ordinances, or regulations, insofar as they are in conflict or  
15 inconsistent with the provisions of this act, are repealed.

16           Section 8. This act shall take effect upon becoming a  
17 law.

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